

MEMORANDUM OF AGREEMENT
between the
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
and
STATE OF ALASKA

SUBJECT: Developing reasonable steps to minimize impacts to Federal subsistence uses within the Dalton Utility Corridor by providing motorized access to Federal Public Lands adjacent thereto.

I. PURPOSE

This Memorandum of Agreement (MOA) serves to identify actions to minimize impacts to Federal subsistence use to ensure the United States Department of Interior (USDOI), Bureau of Land Management (BLM) compliance pursuant to the Alaska National Interest Lands Conservation Act (ANILCA) Section 810(a)(3)(C). These actions are intended by BLM to minimize adverse impacts upon subsistence uses and resources resulting from the potential revocation of Public Land Orders (PLO) 5150 and PLO 5180. As outlined below, the BLM finds these commitments will afford access to Federal lands for federally qualified subsistence users once State of Alaska (State) top-filed lands are conveyed to the State.

II. BACKGROUND

In January 2025, President Trump issued Executive Order (EO) 14153, “Unleashing Alaska’s Extraordinary Resource Potential,” which, among other things, directed the Secretary of the Interior (Secretary) to evaluate changes to, including the potential rescission of, PLO 5150. In response, the U.S. Department of the Interior (DOI) BLM is analyzing the revocation of PLOs 5150 and 5180 for Federal lands within the Dalton Utility Corridor north of the Yukon River.

Revocation of these PLOs for these Federal lands will allow approximately 2,066,000 acres of State “top filed” land selections under ANILCA Section 906(e) to become effective selections by the State. Once the selections attach, the lands will no longer meet the definition of “public lands” in Section 102(3) of ANILCA, and therefore provisions of ANILCA Title VIII will no longer apply. While these lands will still be available for subsistence use and general hunting and fishing for all Alaskans consistent with Alaska Department of Fish and Game (ADF&G) statutes and regulations, BLM finds that the loss of Federal subsistence priority under ANILCA as to these lands is an adverse impact of this action that must be minimized pursuant to ANILCA 810(a)(3)(C). Because the nature of this action leads to conveying these lands out of Federal ownership and to the State, the “adverse impact” identified by BLM to be minimized is access to federal lands that currently exists under Section 811 of ANILCA.

Provisions under AS 19.40.210 establish limits on the use of off-highway vehicles within five miles of the Dalton Highway, though it grants authority to the Commissioner of the Department of Natural Resources (DNR) to allow motorized access to adjacent Federal lands, Native allotments, and lands conveyed to and held by Alaska Native corporations under the Alaska Native Claims Settlement Act (ANCSA). Additionally, the State statute grants authority for the Commissioner of the Department of Transportation and Public Facilities (DOT&PF) to authorize facilities and access roads in the highway right-of-way to achieve these purposes.

Section 810 of ANILCA provides that no public land uses which would significantly restrict Federal subsistence uses shall be effected until the Federal agency gives the required notice and holds a hearing in accordance with ANILCA Section 810(a)(1) and (2) and makes the three determinations required by ANILCA Section 810(a)(3)(A), (B), and (C). The three determinations that must be made are:

1. Such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands;
2. The proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other such disposition; and
3. Reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

The Central Yukon Resource Management Plan (CYRMP) Environmental Impact Statement (EIS) considered revocation of PLOs within the Dalton Utility Corridor within the range of alternatives. As part of that planning process, the BLM completed an evaluation of Federal subsistence uses and needs for all alternatives, consistent with the requirements of ANILCA Section 810(a), and these evaluations were published as Appendix R of the Final EIS for the CYRMP. However, the BLM only made determinations for the proposed plan, which did not recommend revoking the PLOs. The BLM is in the process of making new, separate ANILCA 810(a)(3) determinations for the revocation of PLOs within the Dalton Utility Corridor, and the commitments made in this MOA are intended to support that process.

The BLM identified access to ANILCA-defined public lands for Federal subsistence uses as one of the major issues to be addressed during the CYRMP planning process in its Section 810 evaluation. Because the land is under Federal management, the State has no current easements allowing motorized access for purposes of accessing Federal lands for Federal subsistence use and the conveyance of land to the State will effectively block motorized access to ANILCA-defined public lands unless the State grants an easement under AS 19.40.210, and other applicable authorities.

The commitments in this agreement address the need to minimize the adverse impacts of access through State processes.

III. PARTIES

This MOA is hereby entered into by and between the USDO/BLM and the State; jointly referred to as the “Party” or “Parties.”

IV. THE PARTIES AGREE:

1. Section 810(d) states “After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.”
2. Once the PLOs are revoked and the State selections become effective for the lands within the Dalton Utility Corridor, the BLM has no discretion in conveying the lands to the State

pursuant to the Alaska Statehood Act.

3. Once the land is conveyed to the State, motorized access within and across the Dalton Utility Corridor to access Federal lands will be allowed when the Commissioner of DOT&PF or DNR authorizes a facility, access road, or easement pursuant to AS 19.40.210 or applicable authorities.
4. Due to the nature of this action and the change in land ownership that results, the primary opportunity to minimize impacts centers on access to the public lands, as defined in ANILCA, that will remain within and/or bordering the Dalton Utility Corridor after revocation and subsequent land conveyance are complete.
5. Consistent with existing authorities, any person, group, agency, or entity may apply to DNR or DOT&PF for an easement, facility, or access road for public or private use.
6. In order for BLM to comply with ANILCA Section 810(a)(3)(C) and take reasonable steps to minimize potential adverse impacts to Federal subsistence uses, while implementing the direction in EO 14153, the parties will develop and implement a process to facilitate access to adjacent Federal public lands pursuant to this agreement.

Commitments in this agreement will inform the BLM's ANILCA Section 810 determination that reasonable steps will be taken to minimize the adverse impacts upon Federal subsistence uses.

V. AUTHORITIES

The BLM enters this agreement pursuant to the following authorities:

- Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, 94 Stat. 2371 (1980);
- 307(b) of the Federal Land Policy and Management Act of 1976, 43 USC § 1737(b).

The State enters this agreement pursuant to the following authorities:

- Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, 94 Stat. 2371 (1980);
- Alaska Statehood Act, Pub. L. 85-508, § 6, 72 Stat. 339 (1958);
- AS 19.40.210(c).

VI. AGENCY RESPONSIBILITIES

1. The State agrees:
 - i. It is a fundamental responsibility of the state government to provide access for Alaskans, including development and maintenance of infrastructure, as well as the enhancement of local and state economies. Thus, the State is best positioned to – and herein commits to – take steps to ensure motorized access for uses, including Federal subsistence use, to lands within, adjacent to, and beyond the corridor. This responsibility will rest with the State once the land has been conveyed to the State.
 - ii. The Commissioner of DNR will authorize motorized use on public easements under AS 19.40.210 for each valid, existing RS 2477 routes identified by the State as soon as practicable, but not later than 30 days, following tentative approval.
 - iii. As soon as practicable, and prior to the conveyance of the lands within the corridor, the State will initiate a robust public process to engage stakeholders including Federal

- subsistence users and to identify facilities, access roads, or easements that may be necessary to access adjacent Federal, Alaska Native corporation lands, and Native allotments, pursuant to existing authority to establish easements under AS 19.40.210.
- iv. The public process identified in subsection VI(1)(iii) will identify and prioritize the survey of appropriate Section Line Easements (SLEs) pursuant to AS 19.40.210 to provide motorized access to adjacent Federal public land, Native allotments, and Alaska Native corporation lands.
 - v. Decisions that the State makes under AS 19.40.210 will facilitate access, and any denials will not unreasonably interfere with motorized access for users, including Federally qualified subsistence users.
2. The BLM agrees:
- i. To share with the State notes and records from the tribal consultation process for the CYRMP referenced above to help the State identify local issues and inform its proposed public process.
 - ii. To provide the State with all subsistence use data and analyses for the subject lands.
 - iii. To prioritize timely conveyance of title to lands requested by the State upon revocation of PLOs 5150 and 5180, and subsequent opening order which would allow top-filed selections to become effective selections.
 - iv. After title transfer, BLM will survey the lands in accordance with the Alaska Statehood Act and the Manual of Surveying Instructions 2009, and section lines in the interior of the selection will be protracted on the survey plats.

VII. TERM

The MOA becomes effective upon the date last signed and executed by the duly authorized representative of the Parties to this MOA. The MOA shall remain in effect until the access provisions herein are established on the ground unless terminated.

Either Party may terminate the MOA by providing thirty (30) days written notice to the other Parties, provided that the Parties will consult during the period prior to termination to seek agreement on amendments or other action that would avoid termination in order to ensure compliance with the terms the MOA.

VIII. GENERAL PROVISIONS

1. The BLM and the State, including their respective officials, employees, agents, and representatives, will carry out the terms of this MOA in good faith and shall make reasonable efforts to accomplish the purposes of this MOA.
2. Nothing in this MOA alters, amends, or affects in any way the statutory authority of the BLM or the State. It also does not expand nor is in derogation of those powers and authorities vested in the Parties by applicable law.
3. Nothing in this MOA, in and of itself, obligates the BLM or the State to expend appropriations or to enter into any contract, assistance agreement, or interagency agreement, or to incur financial obligations.
4. Any transaction involving transfers of funds between the parties to this MOA will be handled in accordance with applicable laws, regulations, and procedures under separate

written agreements.

5. This MOA is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any person or party against the United States or the State, their agencies, their officers, or any other person.

IX. COUNTERPARTS

This MOA may be executed in counterparts, and each copy will have the same force and effect as if signed by all Parties.

X. SIGNATURES

 10/9/2025

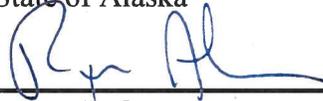
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